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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,251	10/20/2003	James D. Kovacik	16496	3837
50659	7590	08/23/2005	EXAMINER	
BUTZEL LONG DOCKETING DEPARTMENT 100 BLOOMFIELD HILLS PARKWAY SUITE 200 BLOOMFIELD HILLS, MI 48304			LEE, GUIYOUNG	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/689,251

Applicant(s)

KOVACIK ET AL.

Examiner

Guiyoung Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 6 and 9-20 is/are rejected.
- 7) ☒ Claim(s) 3-5, 7 and 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Prelim./Amdt.*

1. Receipt is acknowledged of the amendment filed 6/21/2005.
2. In view of Applicant's amendment to the claim 3, the claim objections with regard to claims 3-5 is withdrawn.
3. Claims 1-20 are pending.

### *Response to Arguments*

4. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection. The new ground of rejection follows.

### *Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 9-11, 15, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baake (US 4,156,893) in view of Vest (US 5,765,941).

Re claims 1, 15, and 20: Baake discloses an elongate hollow cylindrical body (12 in Fig. 1a) formed of a translucent material having a first end and a spaced apart second end; an elongate fluorescent lamp (14) disposed within said body (12) and having a first end with extending conductor pins (16) and a spaced apart second end with extending conductor pins (17); a first socket (18) for receiving said pins (16) of said first end of said lamp; a cap (48) secured to said

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first end of said body for retaining said first socket (18) within said first end of said body; a second socket (19) for receiving said pins (17) of said second end of said lamp; a handle (70) secured to said second end of said body for retaining said second socket (19) within said second end of said body; an electrical conductor (106, 107) for providing electrical communication between a source of electrical energy and said lamp (14), said conductor extending through said handle; and a support means (66) for supporting the assembly. Baake does not teach that the body is the only external connection between the cap and the handle. However, Baake's rod connected between the handle and the cap is protector element of impact absorbing material for the fragile cylindrical body. It is a matter of user's selection for the light assembly whether or not installing the protection rod around the cylindrical body. The light assembly is working properly without the protection rod. Further, Vest discloses a portable work light having an elongate hollow cylindrical body without protection rod. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Baake's body not to include a protection rod as Vest discloses.

8. Re claims 9-11: Baake discloses a hook (66) mounted pivotally on the cap (48).

9. Claims 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baake and Vest as applied to claim 1 above, and further in view of Meltzer (US 6,123,434).

10. Re claims 2 and 6: Baake does not disclose that the cap or the handle are formed of a pair of mating sections. Meltzer teaches a fluorescent worklight having a handle and an end cap, and the handle and the end cap are formed of a pair of mating sections. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Baake's handle and cap to be formed of a pair of mating sections as taught by Meltzer because plastic molding process of

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making a pair of mating sections of the cap or handle is easier than that of making a round shaped cap or handle.

11. Claims 12-14 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baake and Vest as applied to claims 1 and 15 above, and further in view of Richardson (US 6,773,130 B1).

12. Re claims 12-14 and 16-19: The teachings of Baake have been discussed above. Baake does not disclose a pair of clip stand. Richardson teaches a fluorescent lamp having a cap and a handle having grooves (66 and 70 in Fig. 9). Further, Richardson teaches a pair of clip (40 in Fig. 1) stands including a pair of C-shaped clip (Fig. 12), and the clip stand is releasably attached to the grooves of the cap and the handle. In addition, Richardson teaches an advantage of the clip stand by saying that “ The socket is supported by the clip in such a manner that the expansion socket can still rotate within the clip and also move longitudinally relative to the clip to accommodate expansion and contraction and other effects such as vibration” As a result, Richardson teaches further, Richardson’s lighting system are particularly applicable to extreme environmental conditions, such as outdoors, freezer and storage application, and likes. It would have been obvious to one having ordinary skill in the art at the time of the invention to employ Richardson’s clip stands into Baake’s light assembly when Baake’s light assembly is applied in the extreme environmental conditions because of the advantage described above.

*Allowable Subject Matter*

13. Claims 3-5 and 7-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

14. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does not disclose a boss extending inwardly of the mating sections of the cap and apertures for receiving respective one of the bosses.

*Conclusion*

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

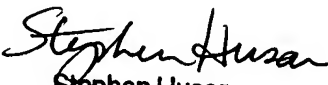
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guiyoung Lee whose telephone number is 571-272-2374. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LGY

  
Stephen Husar  
Primary Examiner